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ON PAGE **A-1**

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5 GAIN SETTLEMENTS FOR F.B.I. ACTS IN 70'S

Justice Dept. to Pay Each \$10,000
in Agents' Violations of Rights

By PETER KINSS

The Justice Department has agreed to pay five persons \$10,000 each for violation of their constitutional rights because of illegal Federal Bureau of Investigation wiretaps, burglaries or mail openings in the early 1970's, civil liberties lawyers said yesterday.

The lawyers said the agreement had been reached at the end of President Jimmy Carter's term and approved by the Reagan Administration. The payments, which have not been sent, are in settlement of lawsuits begun in Federal District Court in Manhattan in 1977.

The agreement was confirmed last night by Patricia N. Hynes, executive assistant United States attorney for the Southern District.

The five learned about the surveillance when the Justice Department indicted John J. Kearney, former head of the F.B.I.'s internal security unit in New York. The indictment was dropped in 1978 on the ground that Mr. Kearney's superiors had sanctioned his activities while he was seeking information on Weather Underground fugitives.

The five persons involved in the settlement were not themselves wanted by the Government, but were watched because

of possible associations with the fugitives.

They are Sara Blackburn and Lewis Cole, freelance writers, represented by the New York Civil Liberties Union through Leon Friedman, a Hofstra School of Law professor, and Steven Shapiro, staff counsel.

The others are William A. Price, a former reporter for The Daily News of New York; Deborah Offner, an actress, and Johanna Lawrenson, represented by the National Emergency Civil Liberties Committee with Michael B. Standard and Gordon Johnson as lawyers. Miss Lawrenson has been a companion for the last four years of Abbie Hoffman, a 1960's counterculture leader, who surrendered in September as a fugitive on drug charges. He pleaded guilty to a reduced charge and is awaiting sentencing.

Mr. Shapiro said the agreement was "one of the largest, if not the largest settlement in cases of this sort of constitutional violations by government, not involving definable injury."

Mr. Friedman said that Mrs. Blackburn and Mr. Cole had their telephones tapped for two weeks and that their residences were robbed by Federal agents. Under the Federal Tort Claims Act, he said, minimum damages for illegal wiretaps would be \$100 a day.

Mr. Standard said Mr. Price's telephone and a public telephone near Mr. Price's home had been tapped for five weeks. Miss Offner's mail was opened on four occasions, and Miss Lawrenson's phones were tapped more than four years in Manhattan and in upstate Fineview.

Mrs. Blackburn, a short-story writer and book reviewer, once contributed money to the Black Panthers. Mr. Cole was a leader of the Columbia University Students for a Democratic Society in 1968 and 1969 disorders.

Mr. Price, a World War II Navy pilot,

lost his police-reporter job at The Daily News when he invoked First Amendment guarantees in 1956 to refuse to answer Senate Internal Security Subcommittee questions about communism. He went through two trials for contempt of Congress on which lower-court convictions were reversed. Recently he has been active in housing causes.

Among other suits over Federal surveillance, Morton H. Halperin, formerly of the National Security Council, was awarded \$1 nominal damages against former President Richard M. Nixon in Federal Court here in 1977 for illegal wiretaps from 1969 to 1971 during a news-leak hunt. A Justice Department appeal claiming absolute immunity for Mr. Nixon and top advisers was argued in the United States Supreme Court last December.

Corliss Lamont, civil liberties advocate, was awarded \$2,000 compensation in Brooklyn Federal Court in 1978 over Central Intelligence Agency opening of two love letters he wrote his wife.